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RELEASED IN FULL

PAGE 01 BUENOS 02992 240149Z
ACTION HA-09

INFO	LOG-00	ADS-00	AID-01	INR-05	EUR-01	SS-01	OIC-02
	CIAE-00	EB-01	DODE-00	H-01	IO-19	NSCE-00	ARA-01
	NSAE-00	L-03	LAB-04	TRSE-00	PA-01	STR-18	SIL-01
	INRE-00	RP-10	USIE-00	SP-01	SR-01	PRS-01	P-02
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FM AMEMBASSY BUENOS AIRES
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INFO AMEMBASSY PARIS
AMEMBASSY ASUNCION
AMEMBASSY BRASILIA
AMEMBASSY MONTEVIDEO
AMEMBASSY SANTIAGO
USCINCSO QUARRY HEIGHTS PN
USCINCLANT NORFOLK VA
USAFSO HOWARD AFB PN//DOI/LAI//

C O N F I D E N T I A L BUENOS AIRES 02992

CINCSO AND CINCLANT ALSO FOR INTAFF

E.O. 12356: DECL:OADR
TAGS: PHUM, PREL, PGOV, AR, FR
SUBJECT: ARGENTINE NAVAL OFFICER ASTIZ FOUND GUILTY OF
- HUMAN RIGHTS VIOLATIONS BY FRENCH COURT

1. (U) ON MARCH 16 NEWS REACHED ARGENTINE HUMAN RIGHTS GROUPS THAT A CRIMINAL COURT IN PARIS HAD CONDEMNED TO LIFE IN PRISON ARGENTINE NAVAL CAPTAIN ALFREDO IGNACIO ASTIZ. ASTIZ WAS FOUND GUILTY AFTER BEING TRIED "IN ABSTENCIA" FOR THE KIDNAPPING, TORTURE AND MURDER OF TWO FRENCH NUNS IN DECEMBER 1977 DURING ARGENTINA'S "DIRTY WAR". HIS CASE RECEIVED INTERNATIONAL ATTENTION WHEN HE WAS CAPTURED BY THE BRITISH DURING THE FALKLAND/MALVINAS
CONFIDENTIAL

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PAGE 02 BUENOS 02992 240149Z

WAR. THE BRITISH REFUSED TO TURN HIM OVER TO FRENCH JUSTICE AT THAT TIME SINCE HE WAS A PRISONER OF WAR, AND ASTIZ REFUSED TO RESPOND TO QUESTIONS POSED TO HIM BY FRENCH COURTS. ASTIZ HAS GIVEN AMNESTY FROM PROSECUTION

UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: ADOLPH H EISNER
DATE/CASE ID: 22 APR 2009 200901190

BY ARGENTINE COURTS IN LATE 1987 UNDER THE GOA'S "DUE OBEDIENCE" LAW, AND REMAINS ON ACTIVE NAVAL DUTY.

2. (U) NEWS OF THE FRENCH COURT'S DECISION CHEERED ARGENTINE HUMAN RIGHTS GROUPS. THEY NOTED THIS WAS THE FIRST TIME A FOREIGN COURT HAD ACTED AGAINST AN ARGENTINE MILITARY OFFICER FOR HUMAN RIGHTS VIOLATIONS COMMITTED IN ARGENTINA. THEY RECOGNIZED THIS DECISION WOULD HAVE LITTLE BEARING ON ASTIZ' LEGAL STANDING IN ARGENTINA BUT CONSIDERED THE CONVICTION A "MORAL" VICTORY FOR HUMAN RIGHTS IN GENERAL. OFFICIALS OF THE GRANDMOTHERS OF THE PLAZA DE MAYO TOLD EMBOFF THEY CONSIDER ASTIZ A "PRISONER" IN HIS OWN COUNTRY, SINCE THEY BELIEVE HE WOULD BE SUBJECT TO ARREST AND DEPORTATION TO FRANCE IF HE WERE TO LEAVE ARGENTINA.

3. (U) ON MARCH 21 THE ARGENTINE FOREIGN MINISTRY ISSUED A STATEMENT DENYING THE RIGHT OF A FRENCH COURT TO TRY ASTIZ FOR THESE TWO MURDERS. WITHOUT NAMING ASTIZ, THE STATEMENT NOTED THAT "THE GOVERNMENT OF ARGENTINA DOES NOT RECOGNIZE THE RIGHT OF ANY FOREIGN COURT TO TRY PERSONS OR FACTS WHICH HAVE BEEN SUBMITTED TO ARGENTINE JUSTICE, AND OVER WHICH COMPETENT ARGENTINE COURTS HAVE APPLIED THE CURRENT LAWS OF ARGENTINA."

4. (C) COMMENT: THE GOA STATEMENT CAME AS NO SURPRISE TO LOCAL HUMAN RIGHTS ORGANIZATIONS. THE ATTITUDE OF THE GRANDMOTHERS PUTS THE BEST FACE ON A DIFFICULT, FRUSTRATING CASE. THE MFA STATEMENT WAS BRIEF AND CONFIDENTIAL

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SIMPLE, INDICATING THE GOA HAS NO INTENTION OF GIVING THIS MATTER ANY SIGNIFICANT ATTENTION IN ORDER TO AVOID MAKING IT A POTENTIAL ISSUE WITH THE FRENCH GOVERNMENT.

TODMAN